

Customer No. 28880

Confirmation No. 4928

PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/933,366	
	Filing Date	August 20, 2001	
	First Named Inventor	Sandra M. Sims	
	Art Unit	1614	
	Examiner Name	Delacroix Muirhe, Cybille	
Total Number of Pages in This Submission	12	Attorney Docket Number	3523/2/US

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ENCLOSURES (Check all that apply)		
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Karen B. King
Signature	<i>Karen B. King</i>
Date	May 27, 2004

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Typed or printed	Connie L. Park
Signature	<i>Connie L. Park</i>
Date	May 27, 2004

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USPTO Fax No. 703-872-9306

Customer No. 28880

Confirmation No. 4928

PTO/SB/17 (10-03)

Approved for use through 07/31/2008, OMB 0651-0032

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# FEE TRANSMITTAL

## for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/933,366
Filing Date	August 20, 2001
First Named Inventor	Sandra M. Sims
Examiner Name	Delacroix Muirhe, Cybille
Art Unit	1614
Attorney Docket No.	3523/2/US

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 110.00)

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number  
Deposit Account Name

23-0455

Warner-Lambert Company LLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.00)

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	0.00
Multiple Dependent	-3** =	X	0.00

<u>Large Entity</u>		<u>Small Entity</u>		<u>Fee Description</u>
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION** (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	110.00
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 185	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 110.00)

**SUBMITTED BY**

Name (Print/Type)

Karen B. King

Registration No.

41,898

(Complete if applicable)

Telephone 734-622-4837

Signature

Karen B. King

Date

May 27, 2004

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SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Sandra M. Simms ) DOCKET NO.: 3523/2/US  
SERIAL NO.: 09/933,366 ) GROUP ART UNIT: 1614  
FILED: August 20, 2001 ) EXAMINER: Cybille Delacroix-Muirheid  
TITLE: SOLUTION COMPOSITION OF AN OXAZOLIDINONE ANTIBIOTIC  
DRUG HAVING ENHANCED DRUG LOADING

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CERTIFICATE OF TRANSMISSION

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5/27/04

Connie Park

Commissioner for Patents  
P.O. Box 1450  
U.S. Patent and Trademark Office  
Alexandria, VA 22313-1450

**AMENDMENT AND REQUEST FOR RECONSIDERATION, UNDER 37 CFR §1.111**

Dear Sir:

In response to an Office Action dated January 29, 2004, Applicant respectfully submits the following Amendment and Request for Reconsideration, Under 37 CFR §1.111, a Declaration by Dr. Sandra Sims, Under 37 C.F.R. §1.131, and a petition and fee for a one month extension of time. Applicant respectfully requests reconsideration of all of the pending claims of the present application, after entry of the enclosed Declaration, and after consideration of the following amendment and remarks.